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TENNESSEE:

UNITED STATES DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY'S OFFICE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

CASE NO. 23-MJ-02033

JOSIAH ERNESTO GARCIA,

DEFENDANT.

AUDIO TRANSCRIPTION OF HEARING
BEFORE THE HONORABLE
JEFFREY S. FRENSEY

TUESDAY, APRIL 18, 2023

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AUDIO TRANSCRIPTION OF HEARING**BEFORE THE HONORABLE****JEFFREY S. FRENSLEY****TUESDAY, APRIL 18, 2023****THE COURT:** Good afternoon.

Welcome, everyone. We're here this afternoon the matter of the United States of America v. Josiah Garcia. It's case number 323MJ2033. Mr. Garcia is present in court this afternoon, along with Mr. Fletcher and Ms. Alpert's here. Ms. Schiferle is here for the United States. We'd set the matter today for a detention hearing in this matter. The Court's in receipt of the pretrial services report, which I've reviewed. I've assume you've each received a copy of the report as well, and you can keep your copy at the completion of the proceedings today.

Ms. Schiferle, is Government ready and do you have any announcements before we get started?

MS. SCHIFERLE: No, we're ready, Your Honor.

THE COURT: All right. Very good.
Thank you.

Mr. Fletcher, any announcements?

1 Are you ready?

2 **MR. FLETCHER:** Ready, Your Honor.

3 **THE COURT:** All right, very good.

4 Thank you. Ms. Schiferle, how would you like to
5 proceed?

6 **MS. SCHIFERLE:** Your Honor, I'd
7 like to call to the stand FBI Special Agent
8 Stephen Hunter.

9 **THE COURT:** All right, if you'd
10 step up, sir, and be sworn.

11 **COURT CLERK:** Do you solemnly
12 swear or affirm that the testimony given this
13 case is the truth, the whole truth, and nothing
14 but the truth?

15 **MR. HUNTER:** Yes. I do.

16 **COURT CLERK:** Could you please
17 state your name for the record and spell your
18 last name?

19 **MR. HUNTER:** Stephen Hunter. H-U-
20 N-T-E-R.

21 **COURT CLERK:** Thank you so much.
22 Have a seat.

23 **FBI SPECIAL AGENT STEPHEN HUNTER**, having been
24 duly sworn by the CLERK, was examined and
25 testified as follows:

1 **DIRECT EXAMINATION**

2 **BY MS. SCHIFERLE::**

3 **Q. Good afternoon, Agent Hunter.**

4 A. Good afternoon.

5 **Q. Could you just please tell the Court**
6 **briefly about your history as a law enforcement**
7 **officer or agent?**

8 A. Yes, I've been an FBI agent for
9 approximately 14 years. I spent, after Quantico,
10 I spent my first six years working gangs and
11 drugs and violent crime on a task force in
12 Baltimore, Maryland on the edge of D.C., and then
13 spent three years on our FBI Director's
14 protection detail before coming to Nashville in
15 the last four years, working violent crime here
16 in Nashville.

17 **Q. So you've been investigating violent**
18 **crime as an FBI agent for let's call it a total**
19 **of ten years, approximately, out of that, almost**
20 **14?**

21 A. Yes, that'd be accurate.

22 **Q. Okay, and before this case, have you**
23 **ever investigated a murder-for-hire case?**

24 A. I have not.

25 **Q. So since it was your first one, did you**

1 **confer with any other FBI agents who had**
2 **experience investigating this type of case?**

3 A. Yes, a colleague in my office worked a
4 complex murder-for-hire case in the last couple
5 of years. I consulted with him, and then the
6 undercover is experienced in murder-for-hire
7 cases, consulted with them as well.

8 Q. Okay. And we're going to get more into
9 the undercover who was involved in this case in a
10 little bit. But you said he has significant
11 experience participating in murder-for-hire
12 investigations?

13 A. Yes.

14 Q. And so can you describe a little bit
15 how your relationship with the undercover was
16 structured in this investigation?

17 A. Yes. So the way it works with our
18 agency is once a case looks like it's going
19 towards where an undercover would be used, we, we
20 have an undercover coordinator in our office work
21 with that person, who then chooses, or helps
22 choose who's going to come in and work the case.
23 And then I work with that undercover, giving
24 direction on the case, but then taking guidance
25 from them based on their experience as well.

1 **Q. Okay, and so is that how it worked**
2 **here? You were essentially directing the**
3 **undercover or giving him guidance, but he was, I**
4 **don't want to put the words in your mouth.**

5 A. Yes.

6 **Q. Can you say it again?**

7 A. Yeah, that's right. Yes. So he
8 doesn't know the case at first, so I give him
9 direction on, on the case and how we're trying to
10 get things to work, but then he also gives me
11 guidance based on his experience and the best way
12 to do things based on what he's done in the past.

13 **Q. Okay, great. So before we get into the**
14 **nitty gritty, can you give the Court a really big**
15 **overview of essentially what happened in this**
16 **investigation?**

17 A. Yes. So Air Force OSI reached out to
18 our office with some information regarding this
19 case that was then passed on to me. Being that I
20 work on the Violent Crime Task Force. There was
21 a website that's out there that Mr. Garcia had
22 reached out to called rentahitman.com and had
23 sent some information to, seeking, looking, what
24 it looked like to seek employment as a hitman.
25 As we got that information, Mr. Garcia followed

1 up a few times, and then I got involved, started
2 working the case, directed the UC. As we started
3 to get that involved, then there was some text
4 messages, phone call, an initial meeting, and
5 then a, a meeting where there was an exchange of
6 funds and a target package where Mr. Garcia was
7 arrested.

8 **Q. Okay. So when you initially got that**
9 **tip from the Air Force, did you then reach out to**
10 **rentahitman.com to get some information directly**
11 **from them?**

12 A. Yes. When the information was passed
13 on, the website owner's contact information was
14 also passed on, and I reached out to him and
15 spoke with him.

16 **Q. Okay. And so did you obtain copies of**
17 **all that communication that occurred between the**
18 **defendant and that website?**

19 A. Yes, I did.

20 **Q. Okay. Why was it that it went to the**
21 **Air Force before it went to the FBI, if you know?**

22 A. Mr. Garcia is employed by the Air
23 National Guard.

24 **Q. And so the website administrator**
25 **essentially informed them first?**

1 A. Yes. He reached out to Air Force OSI,
2 Office of Special Investigation, who then reached
3 out to us based on jurisdiction.

4 Q. Okay. And you're the lead case agent,
5 right?

6 A. I am.

7 Q. So when the undercover officer made
8 contact with the defendant via text or phone
9 call, were you present when those happened?

10 A. I was not present.

11 Q. The UC just gave you the information,
12 right?

13 A. Yeah. We spoke about it beforehand and
14 how that would work and then worked together on
15 that, and then he would send messages or make a
16 phone call.

17 Q. And then when the deal occurred on
18 April 12th, were you present for that?

19 A. I was not with the undercover, but I
20 was there present, yes.

21 Q. At the location?

22 A. Yes. At the location.

23 Q. And actually you were present with the
24 defendant when he was arrested, right?

25 A. Yes.

1 Q. Okay. All right. You are also the
2 affiant of the criminal complaint in this case,
3 correct?

4 A. I am.

5 Q. All right. Do you adopt the full
6 contents of that criminal complaint as part of
7 your testimony here today?

8 A. Yes, I do.

9 Q. All right. So let's talk about really
10 briefly. Can you tell the Court what you know
11 about rentahitman.com?

12 A. Yes. So as a part of the case, I
13 learned the website from the website owner, who
14 explained to me as well that the, the website
15 began as, you know, around 2005 or so. He and
16 some other people were trying to get an IT
17 company, computer company, cyber type company,
18 started. Had the, started the website for that
19 reason with a catchy name, and their business was
20 not successful. But they started getting so many
21 inquiries on people trying to hire a hitman that
22 they turned the website into a sort of a parody
23 where it looks, it appeared to be, you know,
24 where you would hire, where you would find
25 someone, you know, to hire a hitman. And over

1 the years, there have been multiple arrests.

2 **Q. Okay. And those arrests, to your**
3 **knowledge, well, first of all, they occurred**
4 **because someone at the website referred the**
5 **information to a law enforcement agency, correct?**

6 A. Correct. He would refer to whatever
7 agency's jurisdiction.

8 **Q. Okay. And to your knowledge, have all**
9 **of those arrests up until now been for people who**
10 **are looking to hire a hitman?**

11 A. Yes, according to the website owner.
12 Yeah.

13 **Q. Okay. And is this in fact the first**
14 **case in this country that you're aware of where**
15 **someone was arrested for trying to be a hitman?**

16 A. Yes, from that website.

17 **Q. Okay.**

18 A. That's how he described it.

19 **Q. And did the website owner tell you**
20 **whether or not other people have ever sent sort**
21 **of initial employment inquiries to the website?**

22 A. To be a hitman?

23 **Q. Correct.**

24 A. What he said was this was the first
25 time he had had this specific situation.

1 **Q. Meaning that the person was following**
2 **up, giving a resume, and the requested documents,**
3 **right?**

4 A. Correct. Yes. Someone, as opposed to
5 hiring someone to, to murder someone else, this
6 is the first time someone had contacted the
7 website to be a hitman and then submitted the
8 resume and everything.

9 **Q. All right, I am going to pass you what**
10 **is pre-marked as Government Exhibit-1. Defense**
11 **and the Court have a copy.**

12 **(WHEREUPON, the WITNESS examined Government**
13 **Exhibit-1 for identification.)**

14 **Q. Do you recognize that?**

15 A. Yes, I do.

16 **Q. What do you recognize it to be?**

17 A. It appears to be the initial, the first
18 inquiry that Mr. Garcia made to the website.

19 **Q. Okay. And how do you recognize it?**

20 **What on that page tells you that that's what it**
21 **is.**

22 A. So it says general inquiries and
23 comments, employment inquiry. And then I
24 recognize this as the first one, the first
25 contact.

1 **Q. What's the date on it?**

2 A. It is February 16th, 2023.

3 **MS. SCHIFERLE:** I'm offering
4 Government's Exhibit-1 into evidence.

5 THE COURT: It'll be admitted.

6 **(WHEREUPON, Government's Exhibit-1 was admitted
7 into evidence.)**

8 **CONTINUATION OF DIRECT EXAMINATION**

9 **BY MS. SCHIFERLE:**

10 **Q. All right. Now, does it have actually
11 the defendant's name on that document?**

12 A. Yes, it does.

13 **Q. And does it have an email address?**

14 A. It does.

15 **Q. What's the email address?**

16 A. Garcia.Numch1@gmail.com

17 **Q. does it have a phone number?**

18 A. Yes.

19 **Q. What is that?**

20 A. 615-609-6559.

21 **Q. Is that the same phone number that the
22 undercover ended up having communications with
23 the defendant on?**

24 A. Yes.

25 **Q. All right, and then there's a section**

1 **where you can put questions or comments, right?**

2 A. Correct.

3 **Q. All right, and can you read for the
4 Court what is written in there?**

5 A. Yes, it says, "Hello, I'm looking for a
6 job much like this one, to be exact. I have
7 military experience and rifle expertise, so
8 perhaps this is the place I could find that job.
9 However, before I go further, I have a couple of
10 questions. Is this legit, and can I get an in-
11 depth job description, please? Looking forward
12 to hearing from you."

13 **Q. All right. And that was on February 16
14 of this year, correct?**

15 A. Yes.

16 **MS. SCHIFERLE:** Do you want me to
17 pass these up or wait?

18 **THE COURT:** You can just hold them
19 in case he needs to refer back to them, and then
20 you can put them all up at once. Just make sure
21 we get them all.

22 **MS. SCHIFERLE:** Will do.

23 **THE COURT:** Thank you.

24 **CONTINUATION OF DIRECT EXAMINATION**

25 **BY MS. SCHIFERLE:**

1 Q. All right, now, did the defendant in
2 fact reach out again to the Rent A Hitman website
3 that following day on February 17th ?

4 A. Yes.

5 Q. What was the substance of that
6 communication?

7 A. They're having website issues.

8 Possibly having some website issues.

9 Q. Okay. And so he was conveying to the
10 website that he was having trouble using the
11 website?

12 A. Yes.

13 Q. All right. And then I'm going to show
14 you what is pre-marked as Government's Exhibit-2.
15 (WHEREUPON, the WITNESS examined Government's
16 Exhibit-2 for identification.)

17 Q. Do you recognize that?

18 A. Yes.

19 Q. What do you recognize it to be?

20 A. This is an email from the website to
21 Mr. Garcia.

22 Q. Okay. And do you recognize that
23 because it has the website information and Mr.
24 Garcia's email address on it?

25 A. Correct. In the "to" sections.

1 **Q. And what is the date on that?**

2 A. It is February 18th, 2023.

3 **MS. SCHIFERLE:** I'm offering
4 Government's Exhibit-2 into evidence.

5 **THE COURT:** That'll be admitted.

6 **(WHEREUPON, Government's Exhibit-2 was admitted
7 into evidence.)**

8 **CONTINUATION OF DIRECT EXAMINATION**

9 **BY MS. SCHIFERLE:**

10 **Q. All right, so the "to" section, what
11 does it actually say the name is of the person?
12 I'm sorry, the from, who is the email being sent
13 from?**

14 A. It says
15 GuidofanelliContact@rentahitman.com.

16 **Q. All right. Who's Guido Fanelli?**

17 A. That is the website owner's, what
18 fictional name he uses.

19 **Q. Okay. And it's being sent to the
20 defendant. And can you go ahead and read the
21 substance of the email, please?**

22 A. Yes. "Josiah, thank you for letting us
23 know about the web form for employment. We will
24 let our IT staff know so they can correct the
25 problem as far as employment is concerned. If

1 you would like to send in a resume, headshot, and
2 an image of your ID, we can begin our interview
3 and onboarding process. Best regards, Guido
4 Fanelli."

5 **Q. And then there's an email signature on**
6 **there, right?**

7 A. Oh, yeah.

8 A. CEO of Rent A Hitman. Your point click
9 solution. www.rentahitman.com. 100 percent
10 HIPAA compliant Hitman Information Privacy and
11 Protection Act of '64.

12 **Q. All right. Did the defendant respond**
13 **to that request for documentation?**

14 A. Yes.

15 **Q. Showing you what's pre-marked as**
16 **Government's Exhibit-3.**

17 **(WHEREUPON, the WITNESS examined Government**
18 **Exhibit-3 for identification.)**

19 **Q. It's a two-page document. Do you**
20 **recognize those items?**

21 A. Yes, I do.

22 **Q. What do you recognize them to be?**

23 A. The driver's license for Josiah Garcia
24 and a selfie, self-taken photograph, and then a
25 resume of Mr. Garcia.

1 **MS. SCHIFERLE:** I'm offering
2 Government's Exhibit-3 into evidence.

3 **THE COURT:** It will be admitted.

4 **(WHEREUPON, Government's Exhibit-3 was admitted**
5 **into evidence.)**

6 **CONTINUATION OF DIRECT EXAMINATION**

7 **BY MS. SCHIFERLE:**

8 Q. All right. So the email that we just
9 read a minute ago asked for headshots, resume,
10 and an image of your ID. Is that essentially
11 what we have here?

12 A. Yes.

13 Q. All right. And what is the full name
14 on the ID?

15 A. It is Josiah Ernesto Garcia.

16 Q. And is the person in that headshot
17 appears to be the person who you arrested, who is
18 also the person who is here in court today?

19 A. Yes.

20 Q. All right. Let's take a look at the
21 resume. On the top of the resume, does it have
22 the same name, email address, and phone number
23 that we saw on the previous communications?

24 A. Yes, it does.

25 Q. Okay. And what information is provided

1 **under work experience?**

2 A. Security Forces, Air National Guard,
3 Nashville, Tennessee, July 2021 to present.

4 Q. Okay. And then there's some high
5 school information. And what about skills?

6 A. Entrepreneurship, military leadership,
7 and surveillance.

8 Q. All right. And then there's a section
9 on military service?

10 A. Yes. It says branch, Air National
11 Guard; service country United States; rank E3;
12 July 2021 to present.

13 Q. Have you done any investigation into
14 what the defendant's action position is in the
15 Air National Guard?

16 A. Yes.

17 Q. And what is it?

18 A. Security Forces, which is like guarding
19 the gates or protection of a base.

20 Q. And he holds that job here in Middle
21 Tennessee?

22 A. Yes.

23 Q. All right. Under awards, what does it
24 say?

25 A. Marksman expert, awarded for not

1 missing a single bullseye on all the targets and
2 for shooting expert with two or more weapons.
3 And then it says, "Nicknamed, in quotations,
4 "Reaper, earned from military experience and
5 marksmanship."

6 Q. All right, and then there's the last
7 section, certifications and licenses?

8 A. Yeah. It says expert in marksmanship,
9 certified expert in marksmanship; Never miss the
10 bullseye.

11 Q. All right. And those documents were
12 sent to the Rent A Hitman on February 19th; is
13 that right?

14 A. Yes.

15 Q. Okay, I'm going to show you what's been
16 pre-marked as Government's Exhibit-4.

17 (WHEREUPON, the WITNESS examined Government
18 Exhibit-4 for identification.)

19 Q. All right. Do you recognize this
20 document?

21 A. Yes.

Q. What do you recognize it to be?

23 A. It's an email from Mr. Garcia's email
24 to the Rent A Hitman website

25 MS. SCHIFERLE: Offering

1 Government's Exhibit-4 into evidence.

2 **THE COURT:** It'll be admitted.

3 **(WHEREUPON, Government's Exhibit-4 was admitted**
4 **into evidence.)**

5 **CONTINUATION OF DIRECT EXAMINATION**

6 **BY MS. SCHIFERLE:**

7 **Q. And what is the date and time that this**
8 **email was sent?**

9 **A. February 20th, 2023. 10:07 a.m.**

10 **Q. Okay. And go ahead and please read the**
11 **email content for the Court.**

12 **Q. Please read the email content for the.**

13 **A. Okay. It says, "Hello, sir. I hope**
14 you're doing well. I sent an email with the
15 requested documents for employment. I haven't
16 heard back, so I'm sending this follow up email
17 as well. Hope to hear from you soon. Thank
18 you."

19 And then the next paragraph is, "Why I
20 want this job? I'm looking for a job that pays
21 well related to my military experience." And
22 then in parentheses, "Shooting and killing the
23 marked target so I can support my kid on the way.
24 What can I say? I enjoy doing what I do. So if
25 I can find a job that is similar to it," and then

1 parentheses, "such as this one, put me in, Coach.

2 Signed, Josiah G."

3 **Q. As part of your investigation, did you**
4 **also look into the defendant's social media, and**
5 **in particular, his Facebook account?**

6 A. Yes.

7 **Q. Did you find a Facebook account**
8 **belonging to him that had a public profile?**

9 A. I did.

10 **Q. Right. I'm going to show you what's**
11 **going to be marked as Government's Exhibit-5.**
12 **(WHEREUPON, the WITNESS examined Government**
13 **Exhibit-5 for identification.)**

14 **Q. Do you recognize this?**

15 A. Yes.

16 **Q. And what do you recognize it to be?**

17 A. A photo from the Facebook page. His
18 Facebook page.

19 **Q. And you know what? To expedite this**
20 **for the Court, why don't I show you also what's**
21 **been pre-marked as Government's 6, 7, and 8. And**
22 **tell me, are those all images taken directly from**
23 **the defendant's public profile of the Facebook**
24 **account?**

25 A. Yes, it is.

1 Q. Okay.

2 MS. SCHIFERLE: I'm offering
3 Government Exhibit 5, 6, 7, and 8 into evidence.

4 THE COURT: All right. They'll be
5 admitted.

6 (WHEREUPON, Government's Exhibit-5, Exhibit-6,
7 Exhibit-7, and Exhibit-8 were admitted into
8 evidence.)

9 **CONTINUATION OF DIRECT EXAMINATION**

10 BY MS. SCHIFERLE:

11 Q. All right. Starting with No. 5. What
12 is it a picture of?

13 A. So it's a picture of Mr. Garcia, what
14 appears to be the Air Force beret, a t-shirt that
15 says Air National Guard, and then an AR style
16 like training weapon that's like a paint gun
17 style weapon.

18 Q. When you say it's a training weapon and
19 then you say it's a paint gun style weapon, what
20 do you mean?

21 A. Well, later, later on, I saw this
22 weapon in person, and it appears to be not a live
23 firearm, but a firearm that is used, possibly
24 used for training, that would take paintball or
25 you'd shoot paint.

1 Q. Okay. So I don't want to put words in
2 your mouth, so you tell me if this is correct, if
3 I correctly understand you or not. It's a gun
4 that can be used to shoot paintballs and is, but
5 it could also be used for training, for shooting
6 other targets. Is that what you mean?

7 A. Yes. You could, you could, you
8 wouldn't have to go to a firearms range to shoot
9 that gun because it doesn't, it would not harm
10 someone significantly if it hit them. You could
11 shoot it at a wall, and it wouldn't go through
12 the wall.

13 Q. All right. Exhibit-6. Tell me about
14 that one.

15 (WHEREUPON, the WITNESS examined Government
16 Exhibit-6 for identification.)

17 A. So a photo of the same weapon, the Air
18 Force beret, and then maybe a small bag or a
19 piece of fabric that says Tennessee Air National
20 Guard. And then below it, it says, "Josiah
21 Garcia, June 5th, 2022. Now I can start off base
22 practicing at home, LOL."

23 Q. And the one that we just looked at a
24 minute ago, Exhibit 5, also posted that same
25 date, right? June 5th, 2022?

1 A. Correct.

2 Q. All right. Take a look at No. 7,
3 please.

4 (WHEREUPON, the WITNESS examined Government
5 Exhibit-7 for identification.)

6 A. All right. Picture from the Facebook
7 page. Mr. Garcia in an Air Force uniform with a
8 beret on, dated just says January 9th. Josiah
9 Garcia. And then, "Officially got that blue
10 beret," with an American flag, smiley face, and
11 thumbs up.

12 Q. Okay. And tell me about Exhibit-8.

13 (WHEREUPON, the WITNESS examined Government
14 Exhibit-8 for identification.)

15 A. A photo from the Facebook profile as
16 well. Josiah Garcia, February 20th. It says,
17 "She's beautiful." And the photo is of an AR-15
18 or it's an M4A1 rifle and a magazine.

19 Q. So that we're clear, the firearm in
20 this picture is not a paintball gun?

21 A. No. This, I also saw this in person as
22 well. It is, it is, in fact, a firearm.

23 Q. And what was the date this was posted?

24 A. February 20th.

25 Q. What is the comment written by the

1 **defendant?**

2 A. "She's beautiful."

3 Q. **Does the date February 20th mean**

4 **anything to you in the context of this case?**

5 A. Yes, it was the, the date of one of the
6 contact emails to the website.

7 Q. **I'm going to pass Government Exhibit-4**
8 **that's in evidence back to you. What is the date**
9 **of that?**

10 A. February 20th, 2023.

11 Q. **And just so that the record is cleared**
12 **for the Court, which contact is that?**

13 A. This is from Mr. Garcia to the website,
14 following up on sending the requested documents,
15 which are the driver's license and headshot along
16 with the resume and in the section of why I want
17 this job.

18 Q. **Okay. And so that's the email where he**
19 **says, "Put me in, Coach"?**

20 A. Yes.

21 Q. **All right. And so that's the same day**
22 **that he posted that AR-style rifle on his**
23 **Facebook page?**

24 A. Correct.

25 Q. **All right. All right. So you received**

1 **all of this proof of contact with the website.**
2 **You did some research into his Facebook account,**
3 **and then what did you decide to do next?**

4 A. So I directed the owner of the website
5 to send a communication to Mr. Garcia that a
6 field coordinator would be in touch in the near
7 future based on clients.

8 **Q. Okay.**

9 A. And that would remove the website owner
10 from the situation.

11 **Q. Okay. And what did you do after that?**

12 **Is that when you engaged the undercover officer?**

13 A. Yes.

14 **Q. Okay. And so what were the first steps**
15 **that the undercover took in this case?**

16 A. He reached out via text to Mr. Garcia.

17 **Q. Okay.**

18 A. And too, he reached out via text to, to
19 arrange a telephone call.

20 **Q. And I'm not going to show you pictures**
21 **of those texts unless you need them to refresh**
22 **your recollection. But in general, what did the**
23 **UC say in his introductory text message to the**
24 **defendant?**

25 A. That, you know, he was reaching out to,

1 to see if Mr. Garcia were still interested and
2 then, you know they would have an in-person
3 meeting as, like, an initial interview. And then
4 if that went well, I'm sorry, a phone call. The
5 phone call for the initial interview. And then
6 if that went well, you'd have an in-person
7 meeting.

8 **Q. And did he, in those text messages,**
9 **actually introduce himself as being a field**
10 **representative from rentahitman.com?**

11 A. Yes.

12 **Q. And I'm not asking you for verbatim,**
13 **but generally, how did the defendant respond?**

14 A. That he, he did agree and wanted to
15 speak on the phone.

16 **Q. Okay, so did they then set up a**
17 **telephone call?**

18 A. Yes.

19 **Q. Okay. Was that telephone call on April**
20 **5th , 2023?**

21 A. Yes, it was.

22 **Q. I'm going to show you what has been**
23 **pre-marked as Government's Exhibit-9. This is a**
24 **disk. Have you reviewed this before?**

25 **(WHEREUPON, the WITNESS examined Government**

1 Exhibit-9 for identification.)

2 A. I have.

3 Q. And how do you know it's the one that
4 you have viewed?

5 A. Because I put my initials and today's
6 date on it.

7 Q. All right. And what are generally the
8 contents of this disc?

9 A. Audio recordings of the phone call, the
10 first in-person meeting, and then the second
11 meeting where Mr. Garcia was subsequently
12 arrested.

13 MS. SCHIFERLE: Offering
14 Government's Exhibit-9 into evidence.

15 THE COURT: All right. It'll be
16 admitted.

17 (WHEREUPON, Government's Exhibit-9 was admitted
18 into evidence.)

19 CONTINUATION OF DIRECT EXAMINATION

20 BY MS. SCHIFERLE:

21 Q. All right. Before we listen to these,
22 tell me about how each of them was recorded. So
23 first, the call on April 5th, 2023, how was that
24 recorded?

25 A. Yes. So we, basically, we use an audio

1 recording device that can be used with a phone
2 where you can hear both sides of the
3 conversation.

4 **Q. And then after that, on April 5th, then**
5 **there was an in-person meeting on April 6th,**
6 **correct?**

7 A. Correct.

8 **Q. All right. And how was that meeting**
9 **recorded?**

10 A. We use specific recording devices that
11 are hidden so that the person that we're meeting
12 with can't see them. And then one had audio and
13 video. And one had audio.

14 **Q. Okay. So we're just going to listen to**
15 **audio today, but there does exist also some video**
16 **recording of that meeting, correct?**

17 A. Correct.

18 **Q. All right. And then for the subsequent**
19 **meeting on April 12th, how was that recorded?**

20 A. The same way as the initial meeting.
21 With, along again, two devices that were one was
22 audio/video, and one was audio.

23 **Q. All right.**

24 A. Both also hidden, of course, from the
25 person that we're meeting with.

1 Q. And again, we're just going to listen
2 to audio today, but there is some videos of that
3 meeting?

4 A. Correct.

5 **MS. SCHIFERLE:** All right. So
6 with the Court's permission, I will play these
7 clips.

8 **THE COURT:** You may. Make sure
9 we're all set up to hear it.

10 **MS. SCHIFERLE:** We should be. We
11 did a test.

12 **THE COURT:** Oh, great. Thank you.
13 (**WHEREUPON, an audio recording was played.**)

14 **CONTINUATION OF DIRECT EXAMINATION**

15 **BY MS. SCHIFERLE:**

16 Q. I just have one follow-up question for
17 you. So all of those clips that we've just heard
18 were from the phone call that occurred on April
19 5th, right?

20 A. Correct.

21 Q. And you heard there was a section where
22 they discussed whether the defendant was
23 comfortable with torture or taking trophies?

24 A. Yes.

25 Q. Okay. As part of that conversation, he

1 **was also asked if he'd be comfortable with sexual
2 assault. Is that right?**

3 A. Correct.

4 **Q. And what was his answer to that?**

5 A. No, he is not, he is not comfortable
6 with that.

7 **Q. So he's fine with torture and taking
8 trophies, but drew the line at sexual assault,
9 right?**

10 A. That's true.

11 **Q. Okay. Now, after that phone call, they
12 then had an in-person meeting the next day,
13 right?**

14 A. Yes.

15 **Q. So how was that location coordinated
16 between the UC and the defendant?**

17 A. Via text message.

18 **Q. Okay. So at some point in advance of
19 the meeting time, the UC chose a location and
20 gave that information to the defendant?**

21 A. Yes.

22 **Q. Okay. What was that location?**

23 A. It was a cigar bar in Nashville,
24 Tennessee.

25 **Q. And I'm not going to play some clips**

1 from this in-person meeting.

2 (WHEREUPON, an audio recording was played.)

3 **MR. FLETCHER:** Excuse me. Your
4 Honor, I just want to make note right now because
5 I don't want to have to go back through all
6 these. A lot of them are cut off. I've listened
7 to them myself, and a lot of them are incomplete.
8 So I don't think they are complete conversations
9 or that we have complete conversations in them.
10 I don't know what's cut off on the other ends of
11 them, but I just wanted to make note of it now
12 instead of having to go back and replay them
13 again.

14 **THE COURT:** Okay. So you've got
15 the complete conversations?

16 **MR. FLETCHER:** No. I have what
17 she's playing right now, but I already noted
18 that, as you can hear, that it cuts off ...

19 **THE COURT:** Right.

20 **MR. FLETCHER:** ... at many
21 different portions of the clips. And so we don't
22 hear, I don't know what's on the other end of the
23 parts that we don't hear.

24 **MS. SCHIFERLE:** That's correct. I
25 made clips to try to expedite the proceeding. If

1 we play the whole conversation, which I'm happy
2 to do if the Court wants that, I don't have that
3 on the disk, but I have it on my computer. It's
4 a little over an hour. So I did make clips just
5 to expedite it, and that is what has been
6 provided to defense. The full copy will be
7 provided in discovery.

8 **THE COURT:** Okay.

9 **MR. FLETCHER:** And that's fine,
10 Your Honor. We can get it then. I just wanted
11 to make note of it now because I didn't want to
12 go and replay it when I got up there.

13 **THE COURT:** Sure. Thank you.

14 Appreciate you bringing it to my attention. It's
15 noted for the record. You can continue, Ms.
16 Schiferle.

17 (**WHEREUPON, an audio recording was played.**)

18 **CONTINUATION OF DIRECT EXAMINATION**

19 **BY MS. SCHIFERLE:**

20 **Q. All right. So before I play the next**
21 **one, could you hear that last clip, Agent Hunter?**

22 **A. Yes.**

23 **Q. Okay. What were they talking about?**

24 **A. The tattoo that Mr. Garcia has.**

25 **Q. And have you also viewed the video of**

1 **this conversation?**

2 A. Yes.

3 Q. All right. Do you recognize what has
4 been pre-marked as Government's Exhibit-10?
5 (WHEREUPON, the WITNESS examined Government
6 Exhibit-10 for identification.)

7 A. Yes.

8 Q. **What is it?**

9 A. It is a screenshot of the video where
10 Mr. Garcia is holding up his shirt, appears to be
11 his right shoulder with a tattoo. It says
12 "Reaper." And then underneath that is a skull
13 with a beret, blue beret on it.

14 Q. **Okay.**

15 **MS. SCHIFERLE:** I'd like to offer
16 Exhibit-10 into evidence.

17 **THE COURT:** All right. It'll be
18 admitted.

19 (WHEREUPON, Government's Exhibit-10 was admitted
20 into evidence.)

21 CONTINUATION OF DIRECT EXAMINATION

22 BY MS. SCHIFERLE:

23 Q. And before I forget, were you also
24 informed by the UC about the clothing that the
25 defendant was wearing during this meeting?

1 A. Yes.

2 Q. **Was there anything of note?**

3 A. Yeah. If I remember correctly, the hat
4 also had the same skull. It's called Punisher.

5 Q. **Okay. What's Punisher, if you know.**

6 A. It's, it's from the military, and
7 military units use it and other, other people and
8 things have picked it up over the years.

9 Q. **Okay. And so, it's a commonly used
10 logo, is that ...**

11 A. Yeah. In military-type settings or,
12 yeah.

13 Q. **Okay. And so the tattoo is that, plus
14 the word Reaper?**

15 A. Yes.

16 Q. **Okay.**

17 (**WHEREUPON, an audio recording was played.**)

18 **CONTINUATION OF DIRECT EXAMINATION**

19 **BY MS. SCHIFERLE:**

20 Q. **That one was a little difficult to
21 hear. Were you able to hear it, Agent Hunter?**

22 A. Yes, most of it. And just as a note, I
23 think each recording you go to, you have to get
24 the green volume all the way. You have to do
25 that each time.

1 Q. oh, you're right. Thank you. Thank
2 you for reminding me.

3 A. But yes, I could hear. I could hear
4 that.

5 Q. Could you just briefly summarize what
6 that last clip was?

7 A. The UC was confirming that Mr. Garcia
8 preferred to shoot from long distances, and Mr.
9 Garcia agreed, yes, and then was asked, you know,
10 what distance. And, and Mr. Garcia said up to
11 300 meters is what he was comfortable with.

12 Q. And then he asked him, I think, correct
13 me if this isn't what I heard, but if he gave him
14 an order to kill a man in his house, would he be
15 fine with that?

16 A. Yes. If he needed to, you know, shoot
17 him in the chest coming out of the house, that he
18 would be, he could do that or be good with that,
19 and he said yes.

20 Q. Okay.

21 (WHEREUPON, an audio recording was played.)

22 CONTINUATION OF DIRECT EXAMINATION

23 BY MS. SCHIFERLE:

24 Q. I forgot to turn off the volume full
25 until nearly the end of that one. So one of the

1 things that he said near the end, the UC asked
2 him, "You've weighed the psychological
3 consequences of killing somebody," right? And
4 how did the defendant respond?

5 A. That he has and he's okay with it.

6 Q. And now we've heard Reaper a couple of
7 times. He has Reaper on his shoulder and the UC
8 actually just started calling him Reaper. Can
9 you explain what you know about that?

10 A. Yes, a nickname that, that Mr. Garcia,
11 when I spoke with him post-arrest that he gave
12 himself. Initially what I knew about it was from
13 the, the resume that said it was from military
14 experience and marksmanship. After talking to
15 Mr. Garcia, it sounds like it was maybe more of a
16 username used on video games.

17 Q. Regardless, it's his nickname?

18 A. Yes.

19 Q. Right? That's what he goes by, so
20 that's presumably why he has that on his
21 shoulder?

22 A. Yes.

23 (WHEREUPON, an audio recording was played.)

24 CONTINUATION OF DIRECT EXAMINATION

25 BY MS. SCHIFERLE:

1 Q. All right. That was clip nine. I
2 think the beginning was a little hard to hear.
3 Can you sum that up for the Court? He was
4 talking about a girlfriend, right?

5 A. Yes. So Mr. Garcia sounds like from
6 the, the recording, was, he has a girlfriend who
7 may be dating someone else. That person was
8 abusive and called and told Mr. Garcia about
9 that. And then Mr. Garcia said everything inside
10 him wanted to go shoot him, you know, but, but he
11 did not. And the UC said that it was not a good
12 idea, don't do that.

13 Q. I'm sorry. I started playing. Go
14 ahead. You can finish what you were saying.

15 A. Yeah. Just the UC advised, you know,
16 don't, don't do that. Contact me. You know,
17 talk to me before you anything like that.

18 (**WHEREUPON, an audio recording was played.**)

19 **CONTINUATION OF DIRECT EXAMINATION**

20 **BY MS. SCHIFERLE:**

21 Q. All right. Again, I'd like you to
22 recap that one because there's little muffled and
23 they were talking quickly. So the UC was talking
24 about the numbers of people he might kill, right?

25 A. Yeah. So that conversation, that

1 portion of the conversation was regarding how
2 much money, you know, Mr. Garcia would make. And
3 the UC was explaining was more based on volume.
4 So the, the more people that, that are killed,
5 the more money Mr. Garcia would make. And he
6 said 100 at first and said, you know, that, that
7 would be high, but maybe 50. And then Mr. Garcia
8 said 50 is rookie numbers for the Reaper.

9 **(WHEREUPON, an audio recording was played.)**

10 **CONTINUATION OF DIRECT EXAMINATION**

11 **BY MS. SCHIFERLE:**

12 Q. All right. That's my last bit from
13 this meeting, but before we move on, there's
14 something that I inadvertently omitted, so I want
15 to see if you remember it in your listening. Do
16 you recall a conversation at that same in-person
17 meeting between the UC and the defendant about
18 what the defendant thought his parents might
19 think of the sort?

20 A. Yeah. He said that, Mr. Garcia said
21 that his, you know, parents support him in
22 whatever he does.

23 Q. And so the defendant indicated to the
24 UC that he thought that his parents would support
25 him in being a hitman?

1 A. It's what it sounded like.

2 Q. **That was his belief anyway?**

3 A. Yeah.

4 Q. Okay. All right. So that was on April
5 6th. And we're going to talk about the deal that
6 happened on April 12th, but tell me what happened
7 in between April 6th and April 12th. Was there
8 some additional conversation between the
9 defendant and the UC?

10 A. Yes. The UC reached out via text to
11 arrange the meeting for April 12th.

12 Q. Okay. And do you remember ...

13 A. The dates?

14 Q. Yes. Was it April 9th?

15 A. Yes.

16 Q. And so on April 9th, the UC reached out
17 to the defendant. How did he reach out?

18 A. Text message.

19 Q. Okay. And at that time, did the
20 defendant respond?

21 A. Yes.

22 Q. And what was his general response? Was
23 he in agreement?

24 A. Yes. Willing to meet and just working
25 out the times.

1 **Q. And then did the UC have any follow-up**
2 **communication with the defendant after that?**

3 A. He did. More specific follow up on, on
4 timing and where, where the meeting would take
5 place.

6 **Q. Did that occur on April 11th?**

7 A. Yes.

8 **Q. Okay. And on April 11th, did the**
9 **defendant again seem interested in meeting up?**

10 A. Yes.

11 **Q. All right. Let's talk about April**
12 **12th. You want to just tell the Court about, now**
13 **you were actually involved in that operation?**

14 A. Yes. I was.

15 **Q. So go ahead and tell the Court where**
16 **the meeting location was and what was the plan?**

17 A. Yes. So the, the UC, we arranged the
18 meeting to occur at a, at a park in
19 Hendersonville, Tennessee. At that meeting, Mr.
20 Garcia would be provided with a target package
21 with which consisted of some photos of a person,
22 a fictional person, and fictional identifiers,
23 name, height, weight, address, vehicle tag, all
24 that stuff. And then payment. So the down
25 payment half upfront, which was \$2,500 upfront.

1 Q. Okay. And so the UC went to the park
2 to meet with the defendant, and then were you
3 also at that park in a different location?

4 A. Yes.

5 MS. SCHIFERLE: Let's go ahead
6 and play this meeting clip. And just for the
7 record, the phone call and the previous meeting
8 were just clips. This is the entirety of the in-
9 person conversation between the UC and the
10 defendant.

11 (**WHEREUPON, an audio recording was played.)**

12 **CONTINUATION OF DIRECT EXAMINATION**

13 **BY MS. SCHIFERLE:**

14 Q. All right. When that interaction
15 ended, could you then see the defendant walking
16 away from the meeting with the target package and
17 the money?

18 A. We had agents that could.

19 Q. Before I move onto what happened next,
20 there was some discussion on there about a
21 laptop, and the app. Could you tell the Court
22 about what that was all about?

23 A. Yeah. The UC, in an earlier
24 conversation, had said that he would provide Mr.
25 Garcia with a laptop that would and they would

1 communicate through that later on once that was
2 provided.

3 **Q. And so the laptop wasn't something that**
4 **he needed to commit this deal, right?**

5 A. right.

6 **Q. Okay. But it's something that they**
7 **discussed that would be a way for them to**
8 **communicate in the future about other deals?**

9 A. Yes. The, the UC describes laptop as,
10 like, an encrypted laptop that they could
11 communicate as, as he became an employee of the
12 company for future, future operations or hits.

13 **Q. And I'm going to show you what been**
14 **pre-marked as Government's 11 and 12. Do you**
15 **recognize those?**

16 **(WHEREUPON, the WITNESS examined Government**
17 **Exhibit-11 and Exhibit-12 for identification.)**

18 A. Yes.

19 **Q. What are they?**

20 A. This is a target package that I put
21 together that was in in the envelope there that
22 you see.

23 **MS. SCHIFERLE:** Ask that 11 and 12
24 be introduced into evidence, be entered into
25 evidence.

1 **THE COURT:** All right. It will be
2 admitted.

3 (**WHEREUPON, Government's Exhibits 11 and 12 were**
4 **admitted into evidence.)**

5 **CONTINUATION OF DIRECT EXAMINATION**

6 **BY MS. SCHIFERLE:**

7 **Q. All right. So the one sheet paper has**
8 **some sort of demographic information, right?**

9 **A. Correct.**

10 **Q. Okay. And so what does it say about**
11 **the target?**

12 **A. It says name, Peter Mitchell. Age, 44**
13 **years old. Height, 6'2". Weight, 250 pound.**
14 **Address, 100 Laurel Drive, Russellville,**
15 **Kentucky, 42276. Vehicle, Black Chevrolet**
16 **Silverado Kentucky tag, A4EF14. Employment,**
17 **truck driver for Truckmasters.**

18 **Q. Right. And that's Exhibit-10, correct?**

19 **A. No. That one's 11.**

20 **Q. That was 11. All right. The other one**
21 **is 12, right?**

22 **A. Correct.**

23 **Q. All right. What's in 12?**

24 **A. 12 is a photo that would appear to be**
25 **like a self-taken photo, a selfie, and then, and**

1 then a photo of the same person walking through a
2 parking lot with a cell phone. That's a sideview
3 photo. And then the same person walking in a
4 parking lot with the same clothes on, but walking
5 at a different direction from the back.

6 **Q. Now, obviously those pictures are of a**
7 **real person who exists, right?**

8 A. Yes.

9 **Q. But his name is not Peter Mitchell,**
10 **right?**

11 A. Correct.

12 **Q. And all that information on Exhibit-11**
13 **is fictional?**

14 A. Yes.

15 **Q. Okay. But this person who's described**
16 **herein the person that the defendant agreed to**
17 **shoot and kill, right?**

18 A. Yes.

19 **Q. All right, So now tell us about you**
20 **said there were agents in place who could see the**
21 **defendant walk away from the exchange with the**
22 **UC?**

23 A. Correct.

24 **Q. All right. So what happens next?**

25 A. So the, Mr. Garcia, you know, when he

1 got up and walked away from the meeting, had to
2 walk a little distance across the park,
3 approximately 150 yards to get to his car. And
4 prior to him getting to his car, he was arrested.

5 **Q. Were you present at his arrest?**

6 A. Yes.

7 **Q. Did you have an opportunity to speak**
8 **with him?**

9 A. Yes.

10 **Q. All right. Was he given his Miranda**
11 **warnings?**

12 A. He was.

13 **Q. Okay. Did he request a lawyer or ask**
14 **to stop speaking with you at any time?**

15 A. He did not.

16 **Q. All right. Please tell the Court**
17 **generally what he had to say.**

18 A. So myself and another agent, once,
19 once, Mr. Garcia was secured and, and searched
20 briefly, myself and another agent, we sat in a
21 vehicle with Mr. Garcia, read him Miranda rights
22 that he signed the consent form, and then we
23 spoke. He advised that he was coming to the park
24 that day to tell the UC that he had changed his
25 mind and did not want to move forward with this

1 employment. And he was going to, you know, when
2 he walked away with the package and the \$2,500,
3 he was going to get to his vehicle, call the UC,
4 tell them that he didn't want, you know, changed
5 his mind, didn't want to do it, and was going to
6 leave the packet with the money on the curb for
7 the UC to pick up.

8 **Q. Did that story make any sense to you?**

9 A. It did not.

10 **Q. Why not?**

11 A. Based on the coordination through the
12 text messages and the distance to drive to get up
13 to the park, and then Mr. Garcia, you know,
14 meeting the UC, asking details of, you know, is a
15 photo needed, you know, taking the money, being
16 kind of excited about how the money felt and
17 agreeing to move forward and then walking away
18 with the UC's money. Also, in an interview, he
19 advised he was scared of the UC, what the UC may
20 do to him. That didn't make sense to me because
21 taking, taking the money, I think, would be a
22 little more scary.

23 **Q. When he was physically apprehended, did
24 he have the target package and the money on him?**

25 A. Yes, he did in his hands.

1 **Q. Did he also say anything about his
2 current employment status?**

3 A. He did. He, the Air National Guard was
4 one weekend a month, and he had recently been
5 hired by Vanderbilt Medical. I believe it was
6 like a certified nurse's assistant or something
7 of that nature, caregiver, Friday, April 7th, and
8 was start, started training that job on Monday,
9 April 10th.

10 **Q. So he said he got the job offer on
11 April 7th and started on April 10th?**

12 A. Yes, for the initial training.

13 **Q. And what was the significance about
14 getting that job and his participation with the
15 UC?**

16 A. Yes. So he said once he got that job,
17 that was part of his decision, that he didn't
18 need the money as much anymore, and that was part
19 of the reason why he was going to change his mind
20 and not do it.

21 **Q. Okay. You said he said that the job on
22 April 7th, right? And I think earlier you
23 testified that he had some text conversations
24 with the UC on April 9th?**

25 A. Correct. Sunday, April 9th.

1 Q. And then he told you if he started the
2 job on April 10th?

3 A. Yes.

4 Q. Okay. And then I think you previously
5 testified that he had some text communication
6 with the UC on April 11th?

7 A. Correct.

8 Q. Right.

9 A. And that was arranging the meeting.

10 Q. And so with those text messages, and in
11 fact, actually, was there some text or phone
12 communication between the defendant and the UC on
13 April 12th before the meeting?

14 A. Yes, there was.

15 Q. And so at any of those times, to your
16 knowledge, did he express any interest in
17 canceling the meeting?

18 A. He did not.

19 Q. All right. After you spoke with the
20 defendant, did you also go to his home?

21 A. Yes. Later that evening, we went to
22 the address where he lived with his mother,
23 father, and brother.

24 Q. Why did you do that?

25 A. During the interview with Mr. Garcia in

1 the back of, of the car, we also signed a consent
2 form for, for the rifle, just to search his room
3 in that residence for the rifle or electronic
4 devices that could be related to this case.

5 **Q. And he signed that consent?**

6 A. He did.

7 **Q. In your interview with him, did the**
8 **defendant say anything about anything he might**
9 **have told his mother or his parents before he**
10 **went to meet the UC?**

11 A. Yes. He said he told his mother and
12 father that he was going to meet this person to
13 change his mind and wasn't going to do the work.

14 **Q. Did he tell you what kind of work he**
15 **had told his parents it was?**

16 A. So during his interview, he said he had
17 told his parents that had something to do with,
18 like, contract work, had something to do with
19 shooting, and not specifically what it was of the
20 hitman, but he thought that his parents knew the
21 gist of it, knew what it was.

22 **Q. So did you in part go to the house also**
23 **to interview the parents about veracity of those**
24 **statements?**

25 A. Yes.

1 **Q. Okay. All right. So tell us about**
2 **what happened when he got to the home.**

3 A. So yeah, myself and two other agents, a
4 male and a female agent, arrived at the address,
5 and Ms. Garcia answered the door. She was there
6 by herself at the time. She was very upset, but
7 we talked to her for a while and, you know,
8 explained what we could and that we were there
9 to, you know, at some point, take a look at the
10 room.

11 But when I spoke with her, she said
12 that Mr. Garcia had said before he left that he
13 was going to meet with somebody, some kind of
14 contractor, to not take the job. He changed his
15 mind. She said he'd never been in trouble
16 before, never had any violent tendencies or
17 anything like that or any kind of violent
18 activity.

19 And as we talked more and more about
20 this particular situation, she, she said that she
21 took it because of his military experience and
22 what he was doing in the military, which was
23 classified and he couldn't talk about that, that
24 this contract job was something with high-level
25 secret government contract work where people are

1 eliminated, and he could make up to hundreds of
2 thousands of dollars. And a judge was mentioned
3 as a possible target being at the top end of that
4 money. So it, as we talked to her more, it
5 sounded like that, that he had told her that it
6 was something in the realm of, of killing people.

7 **Q. And did there come a time when someone**
8 **else from the family participated in the**
9 **interview?**

10 A. Yes, the 19-year-old brother arrived
11 while we were there.

12 **Q. And what did he say about what he knew**
13 **about this situation?**

14 A. Yeah, it was similar in that his, that
15 Mr. Garcia had spoken with him about it and that,
16 and that same type scenario of kind of classified
17 contract work where you eliminate people. His
18 brother and his mother both told him that, you
19 know, they advised against it, but Mr. Garcia
20 said that, you know, he could make possibly
21 millions of dollars doing this type of work.

22 Ms. Garcia also advised, you know, that
23 the family was struggling financially and that
24 Mr. Garcia's portion of the rent was, was part of
25 that, et cetera. And then the brother seemed to

1 know that about this situation. Not that they
2 were never told it was a hitman, but it was, you
3 know, contract government work, super-secret.
4 They were very worried about his safety, thinking
5 that because he went there and was going to turn
6 the job down, that, that the reason he hadn't
7 shown up was that, you know, whoever these people
8 were may have harmed him.

9 **Q. Did she get any feeling or did Ms.**
10 **Garcia say anything about her feelings about the**
11 **government or law enforcement?**

12 A. her specific feelings? No, just that
13 she had seen movies and, and, you know, seen how
14 this stuff can happen, possibly, that there are,
15 there are some kind of black op contract killers
16 out there.

17 **Q. Did she feel comfortable having you in**
18 **her home?**

19 A. At first, she was leery because she was
20 worried that whoever's people were had killed her
21 son. She used the term, you know, that he was in
22 the ditch. And we showed our credentials and
23 badges and, and spoke with her. And she became
24 comfortable and allowed. Yeah, we walked in the
25 home with her, and then we talked with her there,

1 and we had forms and everything that we filled
2 out, and then it was, it was a totally
3 comfortable conversation.

4 **Q. Okay. And did she consent to the**
5 **search of the home, meaning the specific limited**
6 **search of the defendant's bedroom?**

7 A. Yes. And she, so we, we had her walk
8 in point and show which bedroom was him.

9 **Q. She also signed a consent form?**

10 A. And signed the consent form.

11 **Q. All right. So what did you find of an**
12 **evidentiary nature in the defendant's bedroom?**

13 A. The AR-15 style rifle that's pictured
14 there in the case, and then a laptop computer
15 that Mr. Garcia had described in an interview.
16 And we saw the, also the tan, black and tan
17 training paintball weapon as well, but we did not
18 seize that.

19 **Q. Okay. And the firearm that you seized,**
20 **that appears to be the same firearm that we saw**
21 **in that February 20th Facebook post, right?**

22 A. Yes.

23 **Q. And the laptop, we haven't yet gotten a**
24 **search warrant for that, right?**

25 A. Have not.

1 **Q. But what is the believed nexus? What**
2 **do we believe happened on that laptop that**
3 **connects to this case?**

4 A. So Mr. Garcia advised that the initial,
5 his initial research and contact to the Rent A
6 Hitman website came from the laptop.

7 **Q. Is there anything I've forgotten to ask**
8 **you that's relevant to this defendant's**
9 **dangerousness?**

10 A. The only detail I can think of is that
11 he also had a cell phone on him when, when we
12 arrested him, and, and we did seize that phone as
13 well, and that we will get a search warrant at
14 some point for that.

15 **MS. SCHIFERLE:** Nothing further at
16 this time, Your Honor.

17 **THE COURT:** All right. Mr.
18 Fletcher, do you have questions of this witness?

19 **MR. FLETCHER:** Yes, sir.

20 **MS. SCHIFERLE:** Do you want me to
21 pass these up now?

22 **THE COURT:** Sure. That'd be
23 great. Thank you.

24 **MR. FLETCHER:** May I proceed, Your
25 Honor?

1 **THE COURT:** You may. If you want
2 to, you can pivot that podium so you can face the
3 witness, or you stand like that. Whatever you
4 want to do is fine. But ...

5 **MR. FLETCHER:** Oh, it's fancy.
6 All right.

7 **THE COURT:** There's a different
8 one that you have to latch in to make it stay in
9 place. Maybe on the left, one side or the other.

10 **MR. FLETCHER:** I think I'll just
11 do it like this, not to make a further fool of
12 myself.

13 **THE COURT:** No worries.

14 **CROSS EXAMINATION**

15 **BY MR. FLETCHER:**

16 **Q.** All right. Detective Hunter, how are
17 you doing? Or Special Agent Hunter? Is how I
18 should ...

19 **A.** Yes, sir. Special Agent.

20 **Q.** Okay. So I'll ask you a few questions.
21 I won't try to hold you too long. So when did
22 you start speaking to Mr. Garcia?

23 **A.** When did I speak to him?

24 **Q.** Yes.

25 **A.** When he was arrested and searched and

1 then approximately five minutes. We were,
2 several minutes, we were in the back of the car
3 talking.

4 **Q. So your personal interactions with him**
5 **all took place after this investigation was**
6 **complete?**

7 A. Well, not the investigation, but just
8 the arrest.

9 **Q. Okay. But you didn't talk to him until**
10 **after the arrest?**

11 A. Correct.

12 **Q. Okay. And you had no further personal**
13 **communications with him before he was arrested,**
14 **right?**

15 A. That's correct.

16 **Q. Okay. And have you ever received any**
17 **other or made any other arrest to your knowledge**
18 **or any other agents in relation to the site that**
19 **contacted the Air Force base in relation to Mr.**

20 **Garcia?**
21 A. So I have not, but the owner of the
22 website gave me some other agents' names ATF
23 Agent, FBI, just different jurisdictions, and
24 then I read some articles of other arrests that
25 occurred through the site.

1 Q. Okay. You had in your report that Mr.
2 Garcia said that he was a skilled marksman,
3 right?

4 A. Yes.

5 Q. And were you able to corroborate that?

6 A. No.

7 Q. Okay. And he also told you that he
8 preferred, well, I don't think he told you that,
9 but in your report, this was from one of the
10 interviews that we just listened to, one of the
11 clips, that he preferred distance versus close
12 range setups, right?

13 A. Correct. And I've requested his
14 military records from the Air Force. So as far
15 as the marksman grading, they could be in there.

16 Q. But of your current knowledge right
17 now, what is your current knowledge of what his
18 job was as an Air National Guardsman?

19 A. As security forces, like military
20 police, but it's not investigative, it's more of
21 a, like, a ...

22 Q. But again, you don't know that he's an
23 actual skilled marksman?

24 A. Not other than his, his own ...

25 Q. And what was on his resume?

1 A. Yes, correct.

2 Q. Okay. And based on what he told you
3 about his skills as a shooter, did you
4 corroborate any of that?

5 A. His skillset ...

6 Q. His skills as a shooter, yes.

7 A. No.

8 Q. Okay. So you don't know whether he was
9 capable of actually doing anything violent, do
10 you?

11 A. Not other than, than what he had
12 portrayed during the meetings and, and phone
13 calls.

14 Q. Okay. Now Mr. Garcia also told you
15 that, well, actually, let me take a step back.
16 Let's talk about Facebook. So I saw we have in
17 evidence some of the Facebook photos, and so I
18 assume that you went through his Facebook page,
19 correct?

20 A. I did see it, yeah.

21 Q. And were those the only pictures that
22 you pulled from his Facebook page?

23 A. That I pulled, or were there others?

24 Q. Were there others?

25 A. Yeah, there are other pictures.

1 **Q. Could you describe the other photos?**

2 **Just some of them**

3 A. Yes.

4 **Q. And could you describe them?**

5 A. Oh, describe some of the others?

6 **Q. Yes.**

7 A. Yeah. I mean, there were family
8 photos, vehicle photos of maybe a truck that he
9 owned.

10 **Q. Now, would I be correct in stating that
11 most of, if you go to his Facebook page, most of
12 the posts on his Facebook page are in reference
13 to God?**

14 A. Yeah. They were Christian posts and
15 things. Yeah.

16 **Q. And they were kind of motivational
17 posts, correct?**

18 A. Correct.

19 **Q. And you can scroll down for a number of
20 minutes, and most of his posts were motivational
21 posts to people referencing God. Would that be
22 correct, or would that be an inaccurate depiction
23 of what his general Facebook posts was?**

24 A. Well, so photos and posts, I think, are
25 different. So photos, you know, I saw the family

1 and different photos like that. And then posts,
2 yeah, there were a lot of, yeah, there were
3 patriotic posts and Christian posts and things
4 like that. Friends' posts. It's like general
5 activities, yeah.

6 **Q. Would you say, just going on his**
7 **Facebook page, that it was full of guns or more**
8 **full of motivational posts?**

9 A. More full of posts not related to guns.

10 **Q. Okay. All right. So he told you that**
11 **he had gotten a job at Vandy as a care partner,**
12 **correct?**

13 A. Correct.

14 **Q. Did you corroborate that?**

15 A. No.

16 **Q. Okay. And he also had previously well,**
17 **I don't know if he told you this, it's in your**
18 **report, but he previously told one of the other**
19 **agents that he had been looking for work, right?**

20 A. He had told another agent that?

21 **Q. Yes. At the beginning. This was on**
22 **one of the clips that he had been looking for**
23 **work.**

24 A. Okay.

25 **Q. At the very beginning, he said he had**

1 **been looking for work; is that correct?**

2 A. Okay. Yeah, that's in the recording,
3 yeah.

4 Q. Okay. And did you corroborate that he
5 had been looking for any other work at all other
6 than what he had told you guys he was looking
7 for?

8 A. No.

9 Q. Okay. And so it is very possible that
10 during this time that he was talking to the
11 undercover agent that he had been applying to
12 Vanderbilt, correct?

13 A. Yeah, it's possible. And the other,
14 the only other work that Mr. Garcia mentioned
15 looking for was that he had spoken with a
16 colleague in the Air National Guard about
17 contract security work, contract mercenary work,
18 and then he was looking for, in his words,
19 contract mercenary work or security work.

20 Q. Correct. But that was an answer to the
21 question that the agent asked him, why do you
22 want to do this work, correct? So the answer
23 that you just gave about the only other answer
24 that he gave about what type of work he was
25 doing, contract mercenary work, that was an

1 answer to a question that the agent asked him
2 regarding why he wanted to do this job, correct?

3 A. Yeah. So yeah. I asked him, "How did
4 you, how did you, yeah, how did you find this,"
5 or, "What led you to this?" Yeah, down that path
6 of questioning. Yeah.

7 Q. And so there was no other conversation
8 about any other type of work that he had been
9 applying to, right?

10 A. Correct.

11 Q. Okay. And so let's talk about the
12 interview. When you interviewed him, isn't it
13 true that he told you he had never been arrested
14 before, correct?

15 A. Correct.

16 Q. And he also told you that he needed
17 money to help his family?

18 A. Yes.

19 Q. He told you that he had second thoughts
20 and that he had wanted to change his mind,
21 correct?

22 A. Correct.

23 Q. Okay. And you said that Mr. Garcia, he
24 took the \$2,500 from the agent?

25 A. Yes.

1 Q. Okay. And he was subsequently
2 arrested?

3 A. Yes, on the way back to his car.

4 Q. And would you say it was about between
5 two to five minutes?

6 A. Correct.

7 Q. Okay. And if he wanted to change his
8 mind, would you say that he would have had the
9 chance at the opportunity to change his mind?
10 And I'm asking you this because you said his
11 story didn't sound correct, but from what you
12 just said was that he was arrested, and about two
13 to five minutes later, I mean he got the money
14 and about two to five minutes later, he was
15 arrested, correct?

16 A. Correct.

17 Q. So with his story that he wanted to
18 leave the money on the curb, he wouldn't have had
19 the opportunity at that point if he was arrested
20 two to five minutes after he took the money,
21 correct?

22 A. Well, I think the first part of your
23 question is that, you know, he wanted to change
24 his mind, and I think he had the opportunity if
25 he had already changed his mind that he didn't

1 need to come to the meeting. But if you're
2 saying, yes, he changed his mind, but did not
3 have the opportunity to set it on the curb and do
4 that, then, yes, he did not have that chance.

5 **Q. No, what I'm asking and I'll be clear,**
6 **I'm asking you stated on direct that you didn't**
7 **believe the story that when he said, when I**
8 **changed my mind, I wanted to change my mind, I**
9 **was going to walk back to the car, place the**
10 **money on the sidewalk. That was what he told**
11 **you. And I understand that it's your belief that**
12 **you don't believe that to be true. But based on**
13 **when he was arrested, from between the time you**
14 **said that he took the money, two to five minutes**
15 **later he was arrested, he would not have had the**
16 **opportunity to leave the money on the side of the**
17 **curb, correct?**

18 A. Well, in my interview with him, he said
19 he changed his mind before he got there. I think
20 the way I understand your question is he changed
21 his mind, like, after he got the money, then he
22 would not have had an opportunity to, to do that
23 scenario of leaving it on the curb.

24 **Q. Well, no. So you can believe that**
25 **that's what happened, but you don't believe that**

1 **he could change his mind even before the
2 interview, and then his plan to leave the money
3 on the curb, you don't believe that to be true?**

4 A. I don't believe it as, I don't, I don't
5 believe it as if he were scared or didn't want to
6 do it. Taking the money from someone you're
7 scared of doesn't make sense to me.

8 Q. **But with what he said, though, with
9 what he told you, that he changed his mind and
10 his plan was to leave the money on the curb, he
11 would not have had the opportunity because he was
12 arrested two to five minutes after taking the
13 money, correct?**

14 A. That's correct. Yeah. He was arrested
15 prior to him getting to his vehicle.

16 Q. **Okay. So he also told you that you
17 just stated that he was afraid that the
18 undercover agent, he was afraid to go back
19 because the undercover agent might be angry and
20 harm him, correct?**

21 A. Correct.

22 Q. **And you said on direct that you don't
23 believe that to be true?**

24 A. Well, yeah, I mean, I believe, I, I, I
25 cannot judge, you know, or say whether I believe

1 he was scared or not, but I just, it doesn't make
2 sense to me is what I was saying, that, that if
3 you are afraid of this person that you would, and
4 you already decided you're going to change your
5 mind, that you would come there and then take the
6 money from that person. Because then now you
7 have their money. And to me, that's scarier, you
8 know, now that you have that.

9 **Q. Okay. Well, let's talk about the**
10 **actual arrest. So when Mr. Garcia, he allegedly**
11 **took the money, and then two to five minutes**
12 **later, he was arrested because he was walking**
13 **back to his car, did he try to flee when he was**
14 **arrested?**

15 A. No.

16 **Q. Did he try to resist the arrest?**

17 A. No, he was compliant.

18 **Q. And isn't it true that the very first**
19 **question that he asked when he met with the agent**
20 **was, "Do I have to accept it?"**

21 A. When he met with the UC?

22 **Q. Yes, when he met with the UC, that was**
23 **his first question was, "Do I have to accept it?"**
24 **Correct?**

25 A. That's correct.

1 Q. Okay. And so let's talk about after
2 the arrest then. Did Mr. Garcia willingly talk
3 to you after the arrest?

4 A. He did.

5 Q. And isn't it true that he also provided
6 you with his access to his phone and his
7 computer?

8 A. He provided ...

9 Q. His passwords to his phone and his
10 computer?

11 A. Yes, he gave passwords.

12 Q. And more importantly, didn't he direct
13 you to the location of his rifle?

14 A. He did.

15 Q. Did he also signed a consent form for
16 you to search his room?

17 A. Yes, he did.

18 Q. And his car?

19 A. Yes, he did.

20 Q. And in conducting your investigation,
21 at any point, did Mr. Garcia impede your
22 investigation, lie to you, or try to mislead you?

23 A. Not that I can, not impede and lying, I
24 can't tell. But no, I don't, I don't, he, he was
25 cooperative.

1 Q. Okay. And you also stated that you
2 spoke with his family, right?

3 A. Yes.

4 Q. And they all complied with your
5 investigation, didn't they?

6 A. Yes. From what I could tell

7 Q. And I think it came up on direct that
8 you spoke with his mother about the things that
9 he told his mother. Did he ever tell his mother
10 that he was applying to be a hitman?

11 A. His mother you said, or brother?

12 Q. His mother. Nothing about his brother
13 appears in your report. Your conversation with
14 his brother, that didn't appear in your report.

15 A. Yes. So I'm sorry. I thought you
16 said, I couldn't tell you if you said brother or
17 mother. But no, yeah. From what I understand,
18 he did not say the words hitman, he was applying
19 for a hitman job to his mother.

20 Q. And so when you say specialist
21 assassin, doesn't that relate to or doesn't it
22 seem that his mother would believe that that
23 relates to his current job in the military? Or
24 isn't it plausible that his mother could believe
25 what he told her related to his job in the

1 **military?**

2 A. That the work that he had gone to meet
3 the UC was regarding his work that he already was
4 ...

5 **Q. At least what he was telling his mother
6 he was doing, isn't it plausible to believe that
7 that work could be related to his job in the
8 military?**

9 A. From what she said to me, I took it as
10 yes, that could have been somehow connected, but
11 because of his, you know, classified access and
12 military training and military employment, that
13 this job was related to, that she's portraying
14 this to me from what he portrayed to her. I took
15 it as her saying she said the word secret
16 government contract work where, you know, they,
17 they eliminate people. You know, so it could be
18 related, but it was, it was still under the
19 premise of killing people.

20 **Q. Okay, so we heard clips of the
21 interviews. Is every portion of those every
22 interview when he spoke with the undercover
23 agent, is every portion of it recorded?**

24 A. Every portion of when he spoke with the
25 undercover agent?

1 **Q. Yes.**

2 A. Every, yes.

3 **Q. So there aren't any portions that are**
4 **not recorded?**

5 A. So you have, you have an audio, you
6 have a phone call, you have two in-person
7 meetings that were recorded.

8 **Q. Right.**

9 A. The second in-person meeting where he
10 was arrested, there is a phone call while the
11 audio devices is working. And that phone call
12 was also recorded by, one side of it was recorded
13 by that and then text messages, of course,
14 screenshots, and we have that phone.

15 **Q. But just to be clear, the clips that we**
16 **just heard, some of them are incomplete?**

17 A. The, yes. So the clips you just heard
18 are clips from an hour-long meeting that
19 occurred.

20 **Q. Okay.**

21 A. Or a phone call. You know, I think
22 some of those were cut out as well.

23 **Q. Okay. Did you or any other Government**
24 **agent, to your knowledge, research any of Mr.**
25 **Garcia's criminal history?**

1 A. Yes, we ran his criminal history.

2 Q. **And did you find anything?**

3 A. No criminal history.

4 Q. Okay. So you don't know if Mr. Garcia
5 had ever committed any violent acts prior to that
6 meeting?

7 A. No.

8 Q. And he wasn't violent at the meeting,
9 was he?

10 A. No.

11 Q. Okay. I think I only have a few more
12 questions. The Punisher logo that came up. So
13 did you ever ask Mr. Garcia why he had that logo?

14 A. I did not.

15 Q. And did you know that that logo was a
16 unit tattoo?

17 A. Military units. I know it's, it's
18 attached to military units.

19 Q. Okay. And did you know for him that
20 that meant just simply defenders of the force?

21 A. No, I did not ask him that.

22 Q. Okay. And that logo, you don't know if
23 it had anything to do with Mr. Garcia being
24 violent?

25 A. No.

1 Q. Okay. All right.

2 MR. FLETCHER: I think that's all
3 I have, Your Honor.

4 THE COURT: Any redirect?

5 MS. SCHIFERLE: Very brief.

6 **REDIRECT EXAMINATION**

7 **BY MS. SCHIFERLE:**

8 Q. Just two points I want to clarify. For
9 your testimony on cross-examination, you were
10 asked the question just now about whether the
11 defendant ever impeded your investigation or told
12 a lie. Do you remember being asked that
13 question?

14 A. Yes, I do.

15 Q. Okay. Post-arrest, when the defendant
16 told you that he planned to get into his vehicle,
17 call the UC, and cancel and leave the money on
18 the curb, did you, as a law enforcement agent,
19 based on your training and experience and
20 familiarity with this investigation, did you
21 believe that to be the truth or a lie?

22 A. I believe that to be a lie.

23 Q. And so I just wanted to clarify that
24 because I think the answer that you gave on
25 cross-examination was no when you said he was

1 **cooperative.**

2 A. Correct.

3 Q. **So he was generally cooperative, right?**

4 A. Yes.

5 Q. **Okay. But there was that one statement**
6 **he made that you believed to be a lie?**

7 A. Yes. And I can't, you know, I can't
8 always, when you interview somebody, I don't
9 always know what is a lie and what isn't. So I,
10 you know, I did not believe in general that he
11 was, you know, some people say, you know, the
12 exact, something so blatantly obvious it's a lie.
13 But other than, you know, the scenario of putting
14 the money the curb, which I, I asked him about
15 that, does it make any sense. I don't believe
16 anything else to be, you know, blatantly a lie.

17 Q. **Okay. One other question. When you**
18 **were interviewing his mother, so you were asked**
19 **the question on cross-examination about whether**
20 **the mom could have thought that this contract**
21 **work was part of his military work. Do you**
22 **remember being asked that question?**

23 A. Yes.

24 Q. **I'm going to ask you to maybe answer**
25 **that question again just so that it's really**

1 **clear. What did his mother say to you about the**
2 **job that she believed he was considering**
3 **accepting?**

4 A. Yes. It's always hard to say what
5 someone else ...

6 **Q. Of course.**

7 A. ... is thinking. But what she said to
8 me, she believed that the job that, that he was
9 meeting a contractor for was some kind of secret,
10 you know, black ops. You know, she's seen a lot
11 of movies. She knows how this stuff works,
12 where, where he was applying. And she was
13 worried he didn't maybe have all the skillset for
14 it based on his, his military career. But it
15 sounds like he had been portraying to her that he
16 worked in classified type of operations, but that
17 he was applying for a job where people were
18 eliminated. And she mentioned, you know, that a
19 judge was mentioned, and that was the highest, a
20 higher level of payment. So to me, as we spoke
21 and talked and more was coming out, it seemed
22 clear that she knew that the employment that he
23 was seeking was, even if it was related to
24 government work, was to, to kill people.

25 **Q. Thank you. And I think you testified**

1 **earlier today that his actual job that he holds**
2 **for the Air Force National Guard is guarding a**
3 **gate?**

4 A. Yes, it's called security forces, and
5 it's, it's, it's military-style police, but
6 they're not conducting investigations. From my
7 understanding, it's, it's more of a base
8 protection, guarding gates, checking IDs.

9 Q. **And you're not in the Air Force, right?**

10 A. I'm not.

11 Q. **But you've been an FBI agent for almost**
12 **14 years?**

13 A. Yes.

14 Q. **Have you ever heard of any Air Force**
15 **related position that would involve eliminating**
16 **people such as federal judges?**

17 A. No, especially not in the Air National
18 Guard.

19 **MS. SCHIFERLE:** Nothing further.

20 I have two exhibits that I failed to give.

21 **THE COURT:** All right. Thank you.
22 All right. Thank you, Special Agent Hunter. You
23 can step down. I appreciate your testimony
24 today.

25 Do you have any other proof, Ms.

1 Schiferle?

2 **MS. SCHIFERLE:** No, Your Honor.

3 **THE COURT:** All right. Very good.

4 Mr. Fletcher, do you have any
5 proof you want to put on?

6 **MR. FLETCHER:** Your Honor, I have,
7 well, first, if I may, I just wanted to introduce
8 Mr. Garcia's family is here. His mom, Patricia.
9 His father is here. His brother, sister, and his
10 grandma Patsy are here.

11 **THE COURT:** Okay. All right.

12 **MR. FLETCHER:** His mother and
13 father have agreed to, and I'll apprise the Court
14 of this in my detailed, in my final argument, but
15 they've agreed to be third-party custodians. If
16 the Court would like to hear some testimony from
17 them or one of them, I can bring them up about
18 third-party custodian. But otherwise though, I
19 don't have any questions for them.

20 **THE COURT:** Well, it's your case,
21 and you're the one who wants me to do that. If
22 you think I ought to hear from them, I'm glad to
23 hear from them. We've heard a little bit about
24 some interactions. Maybe it'd be a good idea for
25 you to try to explain that a little bit.

1 **MR. FLETCHER:** Yes, Your Honor.

2 In that case, I'll call his mom, Patricia Garcia,
3 to the stand.

4 **THE COURT:** All right. Ma'am, if
5 you'd step up please and be sworn.

6 **COURT CLERK:** Do you solemnly
7 swear or affirm that the testimony you give in
8 this case is the truth, the whole truth, and
9 nothing but the truth?

10 **WITNESS:** Yes, ma'am.

11 **COURT CLERK:** Could you please
12 state your name for the record?

13 **WITNESS:** Patricia Garcia.

14 **COURT CLERK:** Thank you. You can
15 go sit over there.

16 **THE COURT:** Watch your step,
17 ma'am.

18 **COURT CLERK:** There's a weird
19 raise.

20 **PATRICIA GARCIA**, having been duly sworn by the
21 CLERK, was examined and testified as follows:

22 **DIRECT EXAMINATION**

23 **BY MR. FLETCHER:**

24 **Q.** Good afternoon, Ms. Garcia.

25 **MR. FLETCHER:** And just to let the

1 Court know, when she walked over here, her shoe
2 broke, which is why that is happening right now.

3 **CONTINUATION OF DIRECT EXAMINATION**

4 **BY MR. FLETCHER:**

5 **Q. But could you tell me your full name?**

6 A. Patricia Garcia.

7 **Q. And how are you related to Mr. Garcia?**

8 A. He's my son.

9 **Q. Where do you live?**

10 A. Hermitage. 1213 Travelers Place,
11 Hermitage, Tennessee.

12 **Q. Does Mr. Garcia live with you?**

13 A. Yes, sir.

14 **Q. And does anyone else live in the home?**

15 A. My husband and my son Jacob.

16 **Q. Do you have any other children?**

17 A. No, sir.

18 **Q. Okay. And let's talk about Josiah. Do
19 you know where he was working before this instant
20 case?**

21 A. Yes, sir, at the Vanderbilt University
22 Medical Center.

23 **Q. And what was he doing before that?**

24 A. Before that, he was supposed to be full
25 time on base, but the job that he had, it just,

1 they, it cancelled out. Something happened, and
2 he wasn't getting paid, and he was, yeah, he kept
3 applying at different places.

4 **Q. Okay. And to your knowledge, has he**
5 **ever been violent?**

6 A. No, sir. He's been respectful his
7 whole life. Anyone that knows him, he's always
8 been an honorable young man. Patriot, loves the
9 Lord.

10 **Q. And did you fully know about his**
11 **involvement with what has been going on today and**
12 **what you heard?**

13 A. I wouldn't say I fully knew. He came,
14 he told us, mentioned something about somebody on
15 base gave him info. And we, and I was explaining
16 that to the agent. I've seen enough movies to
17 know that stuff is really scary. You don't get
18 involved in that kind of stuff because it
19 automatically makes you think killing. That's
20 the way I was explaining it to the agent, that,
21 yeah, that stuff is serious. And we thought, you
22 know, high, like, classified intel. And there
23 was, I guess when he had met with the person,
24 there was examples about corrupt judges given to
25 him and just, like, human traffickers, like bad

1 people, like really bad people. And we just, so
2 that's, you don't need to get involved in that.
3 That's, that's not who you are.

4 Q. But is it fair to say that you were
5 more concerned about your son's safety?

6 A. Yes, sir. Yes, sir.

7 Q. Okay. Now, you agreed to be a third-
8 party custodian for your son, correct?

9 A. Yes, sir.

10 Q. And you and I have discussed the
11 particulars of that, right?

12 A. Yes.

13 Q. And so do you know that means that you
14 will be responsible for assisting him in
15 complying with the conditions that the Court may
16 impose if he is released?

17 A. Yes, sir.

18 Q. Do you know that this may also mean
19 that you would have to contact probation, you
20 would have to contact me, you'd have to contact
21 the authorities if Mr. Garcia is found not to
22 comply with conditions that the Court could
23 impose?

24 A. Yes, sir.

25 Q. And you know that or do you know that

1 if you make this call that that could ultimately
2 land him in jail?

3 A. Yes, sir.

4 Q. And would you be willing to contact the
5 police authorities, myself, probation, if your
6 son was to violate any conditions that the court
7 could impose?

8 A. Yes. I would. Yes. I would.

9 MR. FLETCHER: Okay. Your Honor,
10 I think that's all I have for now.

11 THE COURT: All right. Ms.

12 Schiferle, any cross-examination of this witness?

13 CROSS EXAMINATION

14 BY MS. SCHIFERLE:

15 Q. Good afternoon, Ms. Garcia.

16 A. Good afternoon.

17 Q. My name is Brooke Schiferle. I'm the
18 prosecutor in this case. I know that you're not
19 in a fun position today, so I will try to keep my
20 questions brief.

21 A. Yes, ma'am.

22 Q. I was a little confused on direct
23 examination when you said you thought he was
24 working full time at the base, but then something
25 happened. What happened there?

1 A. He applied for a position on the base,
2 and he was supposed to be full time. And then
3 something happened with that job, and his
4 paychecks was getting all crazy. They weren't
5 paying the way they were supposed to, and he
6 started applying different areas. His sergeant
7 was actually helped him apply for the police
8 academy, and something happened to that. His
9 sergeant said, "I dare them not take a, you know,
10 guardsman." He's always been about upholding the
11 law. That's, you know, can't wrap on the head
12 around this.

13 **Q. I don't know if it was easy for you or**
14 **difficult for you to hear some of the recordings**
15 **that I played earlier.**

16 A. I, to be honest, ma'am, it's, I did
17 hear some of it. I just plugged my ears, to be
18 honest.

19 **Q. That's understandable.**

20 A. because the son we raised, and I know,
21 my heart goes to all of the, it goes out to all
22 the mothers that have been through this and who
23 are going through it. I will never defend wrong,
24 and our sons, all of our children have been
25 raised to uphold the law. And like I said, he's

1 always been respectful. Anyone that knows him.
2 He's never committed crime. Never drank. Never
3 did drugs. We can't wrap our heads around why he
4 basically entertained this. He would, he would
5 never go through with something like that. And I
6 know y'all are doing your jobs. Thank God we got
7 FBI.

8 **Q. Were you able to hear the part where he**
9 **said he had thought about traditional law**
10 **enforcement but decided that wasn't for him and**
11 **he wanted something more exciting?**

12 A. He did mention that to us, but it's
13 because he wanted to be FBI. He applied at FBI.
14 He wanted to be, like, profiler, like,
15 investigator. We used to watch crime shows
16 together and stuff.

17 **Q. Okay.**

18 A. Yeah.

19 **Q. So when he came to you and said, "Oh, I**
20 **have this job opportunity, and somebody on the**
21 **base told me about it," what did he tell you that**
22 **this job opportunity was?**

23 A. He didn't, he didn't really say much
24 about it. All I know is my thoughts were because
25 we did know someone long time ago that was in the

1 Air Force, that was offered, like, CIA, like,
2 things like that. It was a long time ago. And
3 that was my thought. It scared me. So he's not
4 anybody that knows Josiah knows he doesn't have a
5 mean bone in his body. And that's what I said.
6 I don't know why he entertained it. I don't
7 understand it. He would never harm anyone.
8 Anyone that knows him knows this. He's just a
9 kind, loving soul.

10 **Q. But when you said earlier that he said**
11 **something about corrupt judges and human**
12 **traffickers?**

13 A. That's what was told to him, that that
14 would be, like, the target.

15 **Q. The target of?**

16 A. Like, I guess, his job.

17 **Q. So, your understanding of what this job**
18 **was ...**

19 A. But that was, but that was not recent.
20 That's, like, that was just like, that's not what
21 he first told us about the person giving him,
22 yeah.

23 **Q. Okay. So first he told you about**
24 **someone gave him some info?**

25 A. Yes.

1 **Q. And you weren't sure what that was**
2 **about?**

3 A. No.

4 **Q. Okay. So then when did this other**
5 **stuff come up about judges?**

6 A. That was just, I would say two days
7 before that. And he said that he would, we told
8 him, we said, "Son, you do not get involved with
9 that stuff. This is not who you are. You," and
10 I quoted the Scripture. The Word of God says
11 vengeance is mine. I will repay said the Lord.
12 And he knows this. He can, he can try to pose
13 tough.

14 There was an incident that happened to
15 him, and I know he's probably embarrassed and
16 don't want me to talk about it. But it happened
17 to him when he was in tech school, in basic in-
18 tech. And he felt powerless. And I don't know
19 if he just felt like he had to prove something,
20 trying to be tough. I don't know. But like I
21 said, anyone that knows him would know, they
22 would know he would never harm anyone. But I
23 understand, like I said, y'all are doing your
24 job. And to y'all, to anyone, he looks, you
25 know, so.

1 **Q. Well, you heard the recordings.**

2 A. Yes.

3 **Q. You agree ...**

4 A. I'm just like what ...

5 **Q. ... that's what it sounds like?**

6 A. I just can't wrap my head around it.

7 **Q. What did he tell you about the kind of
8 money he was going to make doing this job?**

9 A. When he mentioned the judge, the
10 corrupt judge, and the human traffickers, he
11 mentioned like, \$100,000. And we said, "No
12 amount of money is worth your life. No amount of
13 money is putting your life in danger." Yeah.

14 **Q. So really you were concerned about your
15 son's safety?**

16 A. Yes.

17 **Q. Not so much a concern ...**

18 A. No.

19 **Q. ... about these bad people being
20 killed?**

21 A. No. More his safety.

22 **Q. I just have a couple more questions.**

23 A. Okay.

24 **Q. I think in your interview with the FBI,
25 you mentioned that you rely on your son**

1 **financially?**

2 A. When we, yes. There was an incident
3 where we moved home to Florida. I stayed sick,
4 sick here a lot, and my husband was supposed to
5 change of operations. We moved home to Florida,
6 happy because we got to go to my cousin's Lynn's
7 church and he was working with him and stuff.
8 Anyway, there was mold in my home. I got deathly
9 sick. Josie didn't know anything about it
10 because he was in boot camp and stuff, and we
11 could not give him any details on stuff. They
12 always said motivate.

13 Anyway, I had to come back up here and
14 live in a travel trailer. But yeah, we did, we
15 agreed when we moved into the home we're in now,
16 we sat his brother down and him. Said we all got
17 to work together. Because his daddy makes really
18 good, he makes good money, but we're kind of in
19 over our heads right now. So we said we got to
20 work together on this, guys. We all got to pay
21 our portions, you know, until we can get back,
22 you know, because of the move and everything. We
23 had to go to Florida, get our stuff, and we was
24 just getting resituated again. Yeah.

25 Q. So it's going to be a financial



1 **hardship for you if he stays in jail for a while?**

2 A. That's an understatement.

3 Q. Just one more question. You remember
4 when you spoke to the probation officer, they did
5 an interview with you, maybe it was on the phone.
6 They did a check of your criminal history and it
7 came up that you have an arrest a long time ago
8 from 2000 for obstruction of justice?

9 A. Yes, ma'am.

10 Q. Can you tell me about that?

11 A. Yes. It had to do with my daughters,
12 and I was told not to talk to my daughter, and I
13 was pregnant. And just my nerves, and, you know,
14 you get all just, because I was pregnant, and I
15 got in trouble for talking to my daughter, which
16 I shouldn't have did. And so I got arrested.
17 Never been in trouble in my life. And went to
18 jail, and it was the most humiliating experience
19 I've ever had in my life.

20 Q. What happened with the case? Do you
21 remember?

22 A. It was, it got, it got, well, my
23 daughters were brought home, and thank God, and
24 my, I mean, it got dropped. I mean, I was
25 released. Yeah, everything.

1 **Q.** **Okay.**

2 **A.** Yeah.

3 **MS. SCHIFERLE:** I have nothing
4 further, Your Honor.

5 **MR. FLETCHER:** That's all my
6 proof, Your Honor.

7 **THE COURT:** I'm sorry?

8 **MR. FLETCHER:** That's all my
9 proof, Your Honor.

10 **THE COURT:** All right. Thank you,
11 Ms. Garcia. You can step down. I really
12 appreciate you being here today. Thank you for
13 your testimony. Watch your step when you come
14 around the corner there.

15 All right. So you don't have any
16 more proof?

17 **MR. FLETCHER:** That's all, Your
18 Honor.

19 **THE COURT:** All right. Very good.
20 Thank you.

21 Ms. Schiferle, does the Government
22 have any rebuttal proof?

23 **MS. SCHIFERLE:** No, Your Honor.

24 **THE COURT:** All right. If the
25 lawyers could just bear with me for a minute. I

1 have another matter that I need to take up. I'm
2 going to do an initial appearance real quick.
3 We're going to do it by video. You're welcome to
4 stay in your seats if you want to, or you can
5 step out in the hallway, whatever you're
6 comfortable doing. If you need a comfort break,
7 now would be a good time to do that if you want.
8 And we'll go ahead and adjourn for just a moment.
9 Let me take this, and then when everybody's
10 ready, we'll come back out and I'll hear
11 argument, and we'll go from there.

12 **(WHEREUPON, the Court took a brief recess.)**

13 **THE COURT:** All right. Thank you
14 all. I appreciate everyone accommodating me to
15 handle some other matters. We're back on the
16 record after a short recess.

17 Before I hear from the lawyers for
18 argument, I wanted to raise an issue. Mr.
19 Fletcher, so I've heard the proof in this case,
20 and I'm a little bit concerned about the proposed
21 third party situation that we've got here. I've
22 heard the proof, and there seems to be a whole
23 lot of naivete about some situations. Obviously,
24 the charges the defendant faces in this case are
25 significant and serious charges. There are some

1 mitigating circumstances in my mind with regard
2 to the charges themselves. Obviously, Mr. Garcia
3 doesn't have any sort of a prior criminal record,
4 but it appears from the proof that I've heard
5 that his family was aware generally of his
6 potential involvement in some sort of a contract
7 killing situation. Whether it was under the
8 auspices of some Governmental entity or agency or
9 some other type of arrangement appears to be
10 somewhat in dispute.

11 But the idea that Mr. Garcia was
12 talking to somebody about being engaged in
13 murdering people, no matter what the
14 circumstances, and that didn't lead to anything
15 more than what happened in this case. In terms
16 of a response from the proposed third-party
17 custodian, I'm just not sure that that's the best
18 situation, and I'm not really comfortable with
19 that kind of a release plan in this particular
20 case. I haven't ruled yet on release, but I
21 wanted to raise the issue with you at this stage
22 of the proceedings in the event that you wanted
23 to make a motion and perhaps look at proceeding
24 in some different fashion with regard to the
25 proof in this case.

1 **MR. FLETCHER:** Your Honor, we have
2 actually a few third-party custodian options that
3 we could present to the Court, one being another
4 sister that I've spoken with Mr. Garcia about.
5 She doesn't live here. She lives in Ohio. We
6 could have got her on the phone. I believe
7 probation has already spoken to her already, and
8 I think there's another possible third-party
9 custodian that we could get. I just don't know
10 if it could happen today. If the Court would
11 like us to try to set those up, we could pretty
12 quickly this week.

13 **THE COURT:** Well, again, as I said
14 earlier, it's your case, but I think it's fair to
15 you to let you know sort of where I am in light
16 of what I've heard. And if you want the
17 opportunity to put some additional proof on, I'm
18 willing to continue the matter and let you put
19 something else on if you want to, or if you want
20 to proceed in some different fashion, or if you
21 want to proceed as things are, then it's your
22 decision to make.

23 **MR. FLETCHER:** Your Honor, if you
24 could give me two days, Your Honor, and just
25 mostly just to kind of iron things out with my

1 client, just to make sure everything's good with
2 him. If we could do that, and if opposing
3 counsel could be here in two days, we could have
4 it set up.

5 **THE COURT:** Ok. All right. Let's
6 see what our availability is, and Ms. Schiferle,
7 what the Government's availability is.

8 **MS. SCHIFERLE:** If we're talking
9 about Thursday when we say two days, I have a
10 sentencing that I expect to take most of the day.
11 It starts at 9 a.m.

12 **THE COURT:** Okay. Could we look
13 at Friday?

14 **MS. SCHIFERLE:** All right. Just
15 confirm with the agent. He has to be in Memphis
16 on Friday morning. He can make an attempt to be
17 back here Friday afternoon. It might be that I
18 wouldn't need him

19 **THE COURT:** Right.

20 **MS. SCHIFERLE:** But that would
21 partly depend on if I had the full information
22 about people who are going to testify in advance,
23 I might want to put some rebuttal proof on.

24 **THE COURT:** Yes, right.

25 **MR. FLETCHER:** Does tomorrow

1 afternoon work?

2 **MS. SCHIFERLE:** Does what?

3 **MR. FLETCHER:** Tomorrow afternoon
4 work?

5 **THE COURT:** We could do 1:00
6 tomorrow. Do you think that'll be enough time?
7 Because I would like for you to, as I said at the
8 initial appearance, if you're going to propose
9 any sort of release plan, I think it's helpful to
10 be able to disclose that information to the
11 Government and also, more importantly, from my
12 standpoint, to pretrial services so that we can
13 have an opportunity to work through that.

14 **MR. FLETCHER:** I have, Your Honor.
15 The proposal has already been submitted to
16 pretrial. They've already spoken to her, too.

17 **THE COURT:** Okay.

18 **MR. FLETCHER:** This was just the
19 first plan that we were choosing to go to. If
20 the Court's not comfortable with that, we can go
21 with our second plan. I just wanted enough time
22 to probably try to get her.

23 **THE COURT:** Okay. Can you do 1:00
24 tomorrow?

25 **MS. SCHIFERLE:** I can. I think

1 that the sister who was proposed lives in Ohio.

2 Do you expect her to be in person here by that
3 time?

4 **MR. FLETCHER:** She's assured me
5 that she can try to get here. If she can't, Your
6 Honor, we could get her on the phone for sure.

7 **THE COURT:** What about by video?

8 **MR. FLETCHER:** We could do that
9 also.

10 **THE COURT:** Can we do it by video?
11 Let's do it by video. Why don't we do it by
12 video that way she doesn't have to travel down
13 for that. And that'll give everybody a chance
14 to sort of run some traps and determine what
15 that's going to look like. So that's what we'll
16 do. We'll continue this till tomorrow. I'll let
17 you put on your additional proof, and then I'll
18 hear argument and I'll make a decision at that
19 point about what to do here.

20 **MS. SCHIFERLE:** May I ask? So the
21 probation interviewed Patricia Garcia and Heather
22 Diaz. And by I just heard Counsel mention that
23 there's another potential person. Is that person
24 going to be offered to probation for an
25 interview, or will we be given that person's name

1 in advance?

2 **MR. FLETCHER:** Yeah, we can.

3 **THE COURT:** All right. Very good.

4 All right. Thank you all very much. We will
5 adjourn matters until tomorrow at 1:00. Thank
6 you.

7 **MR. FLETCHER:** Thank you, Your
8 Honor.

9 (**WHEREUPON, the HEARING was adjourned.**)

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1 CAPTION
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The foregoing matter was taken on the date, and at
the time and place set out on the title page hereof.

6 It was requested that the matter be transcribed from
7 an audio recording and that the same be reduced to
8 typewritten form.

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1 CERTIFICATE OF TRANSCRIBER AND SECURE ENCRYPTED
2 SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT
3 I, **KATHRYN REED**, do hereby certify that the
4 forgoing matter was transcribed verbatim from an
5 audio recording provided to me, that the transcript
6 prepared by me or under my direction, is a true and
7 accurate record of same to the best of my knowledge
8 and ability; that there is no relation nor employment
9 by any attorney or counsel employed by the parties
10 hereto, nor financial or otherwise interest in the
11 action filed or its outcome.

12 This transcript and certificate have been
13 digitally signed and securely delivered through our
14 encryption server.

15 IN WITNESS HEREOF, I have here unto set my hand
16 this 22ND day of APRIL, 2023.

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21 /s/ KATHRYN REED
22 TRANSCRIBER
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